

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF B & H GAS)	
COMPANY, AND BUD RIFE, INDIVIDUALLY AND)	CASE NO.
AS AN OFFICER OF B & H GAS COMPANY)	2019-00055
ALLEGED VIOLATION OF KRS 278.300)	

ORDER

On May 15, 2019, B & H Gas Company (B & H) and Bud Rife (Mr. Rife) filed a joint motion requesting an extension of time to respond to post-hearing requests for information that were due on May 17, 2019. B & H and Mr. Rife requested a six-day extension until May 23, 2019, to respond to Commission Staff's (Staff) Post-Hearing Request for Information and the Attorney General's Post-Hearing Request (jointly, Post-Hearing Requests). As a basis for the motion, B & H and Mr. Rife state that, "the person necessary to assist in fully answering the data requests has been unavailable and out of state." B & H and Mr. Rife further state that their counsel returned from overseas travel on May 13, 2019, and faced other imminent deadlines.

This is B & H and Mr. Rife's third request for an extension of time to respond to requests for information. They previously requested two extensions of time to respond to the initial data requests from Staff and the Attorney General. In an Order entered April 1, 2019, the Commission found that B & H and Mr. Rife failed to establish good cause and that the motion should be denied, but found that an extension should be granted only because B & H and Mr. Rife had already missed the date granted under the first

extension. The Commission cautioned B & H and Mr. Rife that no further extensions would be granted.

Based upon the motion and case record, the Commission finds that B & H and Mr. Rife failed to establish good cause to grant an extension to respond to Post-Hearing Requests. Counsel for Mr. Rife was given the opportunity to determine the date to file the response and agreed to May 17, 2019.¹ Further, B & H and Mr. Rife gave no indication that the travel was unplanned. B & H and Mr. Rife were fully cognizant of the impending deadline and failed to act accordingly. However, given the proximity between filing the motion in the late afternoon of May 15, 2019, and the May 17, 2019 deadline for filing the responses, the Commission will grant the motion and permit B & H and Mr. Rife an extension until May 23, 2019, to file their responses to Post-Hearing Requests.

The Commission also finds that no further extensions of time should be granted for any future filings in this proceeding. B & H and Mr. Rife's continuing disregard for the timely processing of this proceeding indicates a willful failure to comply with Commission orders. All future filings made by B & H and Mr. Rife in this proceeding must be timely filed, or a show cause proceeding may be initiated to determine whether there are any reasons why penalties should not be imposed upon B & H and Mr. Rife, pursuant to KRS 278.990, for their failure to comply with Commission orders.

IT IS THEREFORE ORDERED that:

1. The motion of B & H and Bud Rife for an extension of time until May 23, 2019, to file responses to Post-Hearing Requests is granted.

¹ See April 24, 2019 Hearing Video Transcript at 12:45:01. "How much time will you and your client need Mr. Childers to respond?" "What about May 17th?"

2. B & H and Mr. Rife shall file responses to Post-Hearing Requests no later than May 23, 2019.

3. No further extensions of time to file any filings in this proceeding shall be granted.

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By the Commission

ENTERED
MAY 20 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2019-00055

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